

ESTTA Tracking number: **ESTTA111678**

Filing date: **11/28/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Synergy Investment Group, Inc.		
Entity	Corporation	Citizenship	Florida
Address	930 S. State Road 7 Plantation, FL 33317 UNITED STATES		

Attorney information	Michael B. Chesal Kluger Peretz Kaplan & Berlin P.L. 201 S. Bisayne Blvd. 17th Floor Miami, FL 33131 UNITED STATES trademarks@kpkb.com Phone:305-379-9000
----------------------	--

Applicant Information

Application No	78845956	Publication date	10/31/2006
Opposition Filing Date	11/28/2006	Opposition Period Ends	11/30/2006
Applicant	Lending Executives, Inc. Suite 203 990 Highland Drive Solana Beach, CA 92075 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 2005/08/25 First Use In Commerce: 2005/08/25

All goods and services in the class are opposed, namely: Appraisal of real estate; Appraisals for insurance claims of real estate; Assessment and management of real estate; Estate planning; Estate trust management; Evaluation of real property; Financial investment in the field of real estate; Financial valuation of personal property and real estate; Land acquisition, namely, real estate brokerage; Leasing of real estate; Leasing of real property; Operating marketplaces for sellers of goods and/or services; Providing information in the field of real estate by means of linking the web site to other web sites featuring real estate information; Real estate acquisition services; Real estate agencies; Real estate appraisal; Real estate brokerage; Real estate consultancy; Real estate consultation; Real estate equity sharing, namely, managing and arranging for co-ownership of real estate; Real estate escrow services; Real estate investment; Real estate listing; Real estate management; Real estate management consultation; Real estate multiple listing services; Real estate procurement for others; Real estate syndication; Real estate time-sharing; Real estate trustee services; Real estate valuation services; Real estate valuations; Vacation real estate time-sharing

Attachments	123REALTYopp.pdf (8 pages)(994167 bytes)
-------------	---

Signature	/michael b. chesal/
-----------	---------------------

Name	Michael B. Chesal
Date	11/28/2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of:

Application Serial No.:	78/845,956
Filed:	March 24, 2006
Trademark:	123SOLD
Applicant:	Lending Executives, Inc., a California Corporation
Published in the <i>Official Gazette</i> on:	October 31, 2006

SYNERGY INVESTMENT GROUP, INC., a Florida Corporation,

Opposer,

v.

LENDING EXECUTIVES, INC., a California Corporation,

Applicant.

NOTICE OF OPPOSITION

Opposer, Synergy Investment Group, Inc., with its principal address at 930 S. State Road 7, Plantation, Florida 33317 ("Opposer"), believes it will be damaged by registration of the mark shown in Trademark Application No. 78/845,956, applied for by Applicant, Lending Executives, Inc. ("Applicant"), and hereby opposes the same. The grounds for opposition are as follows:

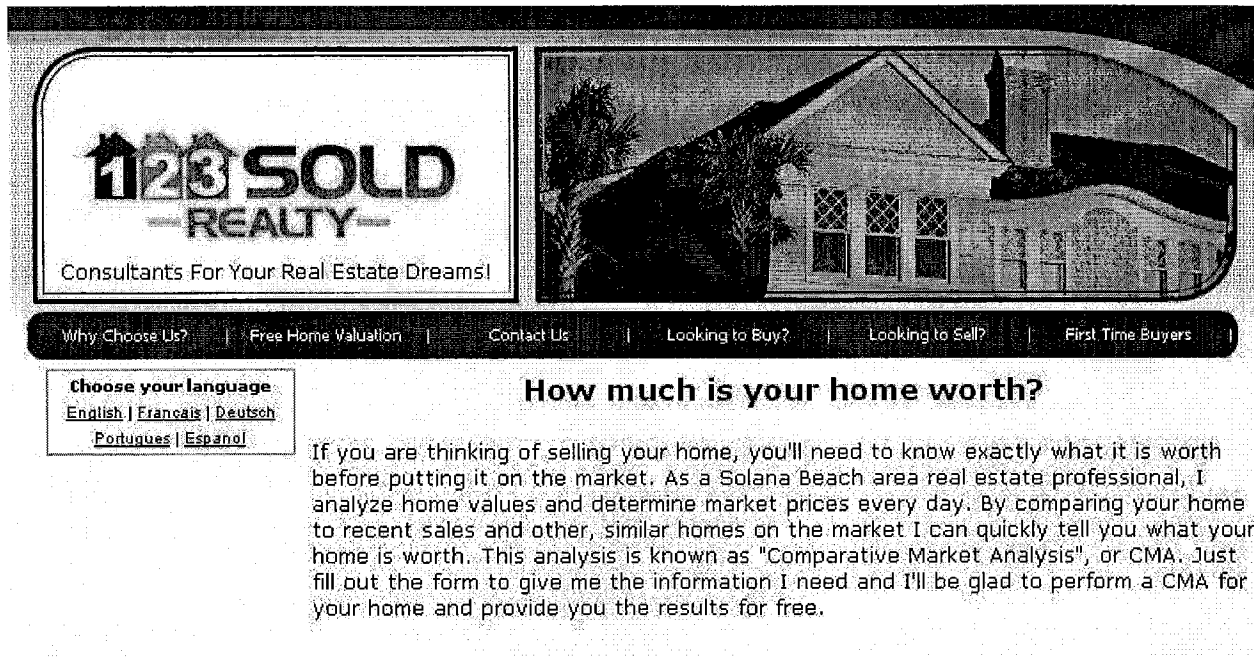
1. Opposer is engaged in the business of conducting real estate auctions.
2. Opposer advertises its real estate auctions on its website, located at <http://www.123sold.com>.
3. On October 19, 2006, Opposer filed a trademark application on a use-in-commerce basis for the mark 123SOLD.COM (the "Mark"). The application describes the services provided as "Real estate auctions."

4. Opposer's application was assigned Serial No. 77/025,017 and is currently pending.

5. On October 31, 2006, Applicants' application for the mark 123SOLD (Serial No. 78/845,956) was published for Opposition in the *Official Gazette*. The application was made on a use-in-commerce basis with the following description of services:

Appraisal of real estate; Appraisals for insurance claims of real estate; Assessment and management of real estate; Estate planning; Estate trust management; Evaluation of real property; Financial investment in the field of real estate; Financial valuation of personal property and real estate; Land acquisition, namely, real estate brokerage; Leasing of real estate; Leasing of real property; Operating marketplaces for sellers of goods and/or services; Providing information in the field of real estate by means of linking the web site to other web sites featuring real estate information; Real estate acquisition services; Real estate agencies; Real estate appraisal; Real estate brokerage; Real estate consultancy; Real estate consultation; Real estate equity sharing, namely, managing and arranging for co-ownership of real estate; Real estate escrow services; Real estate investment; Real estate listing; Real estate management; Real estate management consultation; Real estate multiple listing services; Real estate procurement for others; Real estate syndication; Real estate time-sharing; Real estate trustee services; Real estate valuation services; Real estate valuations; Vacation real estate time-sharing.

6. As support for these 33 different items contained in Applicant's description of services, Applicant submitted a single specimen, taken from its website:



This specimen does not provide support for the assertion that Applicant has used the 123SOLD mark in commerce with respect to the bulk of its asserted services. Support for the bulk of Applicant's assertion of use is likewise not found elsewhere on its website, located at <http://www.123soldrealty.com> (a copy of which is attached as Exhibit "A")

7. If Applicant is permitted to register its 123SOLD mark for the services identified in the its application, Opposer will be damaged because Applicant will have presumptive exclusive rights to the 123SOLD mark, which may be deemed confusingly similar to Opposer's Mark.

8. Concurrent with the filing of its application, Applicant made a sworn declaration attesting to the truthfulness and accuracy of the statements made in the application.

9. Upon information and belief, Applicant is not using the 123SOLD mark in commerce on or in connection with all of the services identified in its application.

10. By claiming in its application that it is using the 123SOLD mark in commerce on or in connection with all of the identified services, Applicant has made a false representation of a material fact to the Trademark Office.

11. Applicant knew or should have known that the representation concerning use of the 123SOLD mark on or in connection with its description of services was either false or misleading.

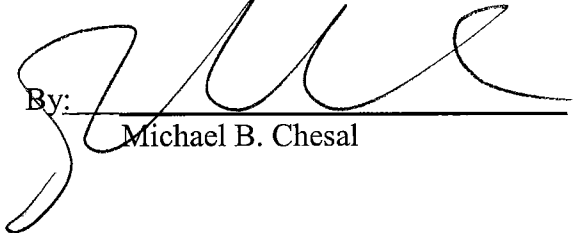
12. Even if the Applicant's mark is not refused because of the false representation of a material fact to the Trademark Office, registration of its mark should be refused on the grounds that the identification of services does not accurately reflect the services actually offered by Applicant.

WHEREFORE, Opposer, Synergy Investment Group, Inc, respectfully requests that Application Serial No. 78/845,956 for 123SOLD be refused.

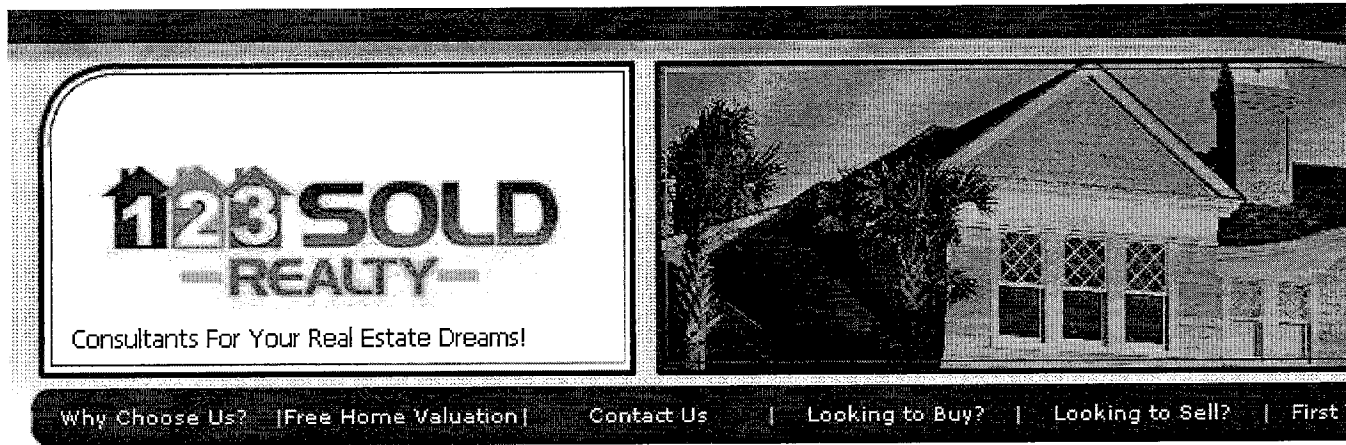
Date: November 28th, 2006

Respectfully submitted,

KLUGER, PERETZ, KAPLAN & BERLIN, P.L.
201 S. Biscayne Blvd., 17th Floor
Miami, Florida 33131
Telephone: 305-379-9000
Fax: 305-379-3428

By: 
Michael B. Chesal

Home - 123SOLD Realty Solana CA



The Right Real Estate Agent



People don't talk about it a lot. But finding the right real estate agent can be the difference between a happy, stress-free home buying or selling experience, and an unhappy, stressful experience.

First, you'll want an agent ready and able to make a full-time commitment to you. I can and will do that.

Second, you'll want an agent with the experience needed to know the local neighborhoods, schools, market conditions, ordinances, etc. With my years of experience in the local market - I have the expertise and track record of success you need.

Third, you'll want an agent who embraces the convenience of technology without losing the personal touch. You'll love the resources available on my website and the e-mail alerts that I send, but these will never replace the time I spend with you,

Featured Listing



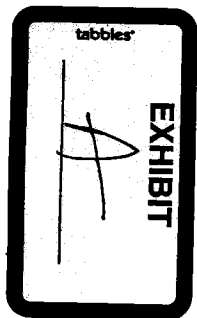
\$475,000

- 3 Bedrooms
- 2 Bathrooms
- 1152 Sq Ft (M

Mortgage Ca

Sales Price:

Down:



Choose your language
[English](#) | [Français](#) | [Deutsch](#)
[Português](#) | [Español](#)

serving as your personal guide through this exciting process.

Staff Profiles
Home
Search For Homes
Featured Realtor
North County MLS
1031 Tax Exchange
1031 Alternative P.A.T
Get Pre-Approved
Your Buying Power
Applying for a Loan
Selling your own home
9 Steps to Ownership
Replacement Property
Real Estate Glossary
ResultsforYou
Privacy Policy
Site Map
Request Industry Info
Home Price Index
Translate



Let's get together and talk about your home buying and/or selling plans. Call me at the office ((858) 720-1146) or on my cell phone (619-793-8885) or send me an e-mail (admin@123soldrealty.com), we'll set-up a time that is easy and convenient for you to meet.

P.S. If you're not ready to meet in person, please tour through my website. I'm sure you'll find the resources here useful and helpful. Enjoy!

DRE License +01517340

20

Interest Rate:

6.18

%

30

Term:

yrs

Calculate

Monthly payment:

\$

Today's Top Real Estate News:

Provided by Inman News.
Tuesday, November 28, 2006

[Realtor irked by disclosure advice](#)

[Don't overlook metal when shopping for a roof](#)

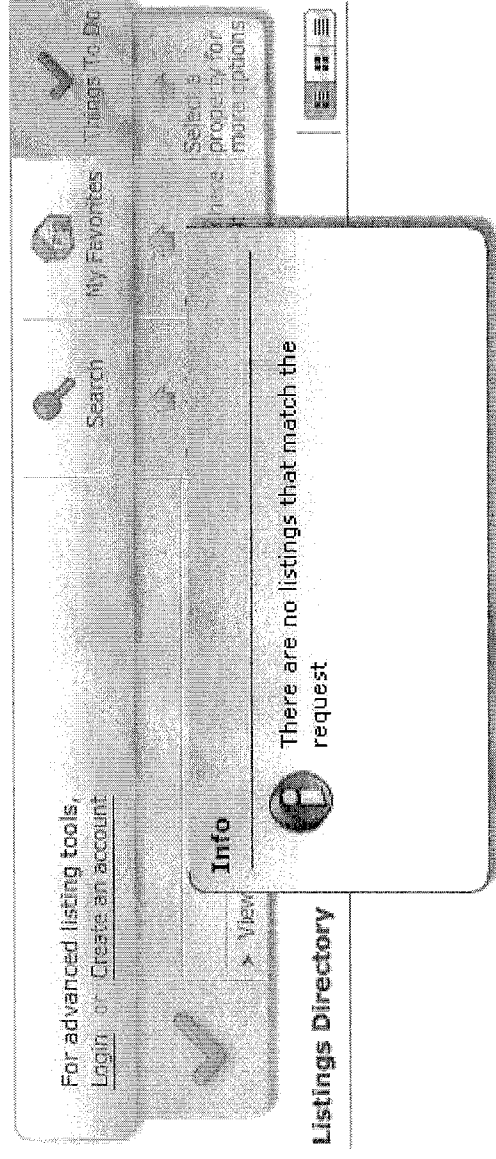
[Old-fashioned home inventions still going strong](#)

[How real estate debt can make you rich](#)

[Easiest, cheapest way to get a home mortgage](#)

[More news...](#)

- [Got A Question?](#)
- [Home Status Report](#)
- [Looking to Buy?](#)
- [Looking to Sell?](#)



* MOL = More or Less

123SOLD Realty 990 Highland Ave Suite M Solana Beach, CA 92075
Phone: (858) 720-1146 Cell: (858) 720-0098 Fax: (858) 720-1147

[Contact Us](#) | [Find A Home!](#) | [Home Buyer Checklist](#) | [Home](#) | [North County MLS](#) | [Get Pre-qualified](#) | [Why Choose Us?](#) | [Looking to Sell?](#) | [Staff Profiles](#) | [Tell a Friend](#) | [Search For Homes](#)

Copyright © 2006 123SOLD Realty

Portions Copyright © 2006 a la mode, Inc.

Another XSite by a la mode, inc. | [Admin Login](#) | [Terms of Use](#)

All rate, payment, and area information are estimates and approximations only.

